

# **SALINA HERITAGE COMMISSION DESIGN REVIEW PROCEDURE**

## **THE CONSERVATION ORDINANCE**

Recognizing the importance of Salina's heritage and the need for its protection, the City of Salina adopted a Heritage Conservation Ordinance in 1979. The historic preservation ordinance created the Salina Heritage Commission, a seven-member board of Salina citizens, appointed by the Mayor. The ordinance also provided a means to safeguard the architectural and cultural heritage of the City through preservation of its historic resources. This included qualifying individual properties for designation as historic landmarks or groups of properties as heritage conservation districts. The Commission reviews projects that affect the exterior of designated landmarks or properties located within conservation districts.

Between 1991 and 1992, property owners used the procedures outlined in the ordinance to submit nomination petitions requesting that their neighborhoods be considered for designation as historic districts. The four local historic districts encompass 205 residential properties and 4 commercial properties along South Eighth Street, West Prescott Avenue, Highland Avenue and South Santa Fe Avenue. 14 other significant properties have been nominated and designated individually as local landmarks. Nine properties within Salina are also listed on the National Register of Historic Places and the Register of Historic Kansas places.

## **LOCAL DESIGN REVIEW PROCESS**

Any construction, alteration, demolition or removal project that will affect a historically designated property in Salina must first be reviewed by the Heritage Commission and a *Certificate of Appropriateness* issued before that work can take place. The City Building Services Department cannot issue a building or demolition permit for a designated property until the Heritage Commission has issued a Certificate of Appropriateness.

Some other project types not requiring a building permit, such as siding replacement, window or door replacement, roof replacement, fences and site alteration, must also be reviewed. *Interior alterations, routine maintenance or repair that makes no change to the existing design, material or general appearance of a historic property do not require a review.* The general process for submitting a certificate of appropriateness application is as follows:

### **1. SUBMIT A CERTIFICATE OF APPROPRIATENESS APPLICATION.**

Certificate of Appropriateness application forms can be obtained at the City Planning Department in Room 201 of the City-County Building. They may also be sent following a request. When an application is submitted the Preservation Planner will determine whether sufficient information is available to review a project. The Preservation Planner may request additional information, such as plans, building elevations, product samples and photographs of the property and where the project will take place.

If the application is complete, the Preservation Planner will make a determination of the scope of the project and the type of review that is required. It is strongly recommended that an applicant meet with Preservation Planner well in advance of submitting a building permit or certificate of appropriateness application to determine all of the requirements. Members of the Heritage Commission may also meet with an applicant prior to submitting an application to recommend treatments that will conform with the standards and design criteria outlined in the preservation ordinance.

### **2. PLANNING STAFF WILL DETERMINE WHETHER A PROPOSED PROJECT WILL INVOLVE "ROUTINE MAINTENANCE OR REPAIR", "MAJOR" OR "MINOR" WORK.**

The Preservation Planner will review an application and determine the scope of the project. If a project is determined to be *routine maintenance and repair*, where no change is made in the design, materials or general appearance of a feature, no certificate of appropriateness is required and the work may proceed without a formal review. *Minor Work* generally includes renovation or reconstruction projects that substantially reproduce the

existing design and are performed in the existing material. **Major Work** involves complex or extensive projects that substantially alter the exterior appearance of designated properties.

### **3. “MINOR WORK” PROJECTS ARE REVIEWED BY ADMINISTRATIVE STAFF.**

When a proposed project will substantially reproduce the existing design and will be performed in the existing material, the Preservation Planner may review and approve the project work. An administrative decision will be made no later than seven days following the submission of the application. The Chair or Vice-chair of the Heritage Commission may cosign any certificates of appropriateness issued in this manner. Should administrative staff deny a project, it will be automatically referred to the Heritage Commission.

### **4. A “MAJOR” PROJECT MUST BE REFERRED TO THE HERITAGE COMMISSION FOR REVIEW.**

If the Preservation Planner determines that a project will make a significant change to the appearance of an historic property, the project will be classified as **Major** and a review by the Heritage Commission will be scheduled. The Heritage Commission Chair has appointed a three-member Certificate of Appropriateness Committee that can meet and review applications for all project types except demolition or new construction.

Projects that involve demolition, relocation, new construction or other significant changes to historic properties are referred to the full board of the Heritage Commission at a regularly scheduled meeting. Special meetings of the Commission may also be scheduled when a delay to the next regular meeting would represent a hardship for the applicant.

The Heritage Commission shall review the application and issue or deny the certificate of appropriateness within 45 days of the receipt of an application. The Heritage Commission uses the **Standards and Criteria** contained in the preservation ordinance, as well as any supplementary guidelines, as the basis for their review. The Heritage Commission may approve a project, approve it subject to conditions or deny the application. If an application is denied, the Commission will make recommendations to the applicant concerning changes in a project that would cause the commission to reconsider its denial. The review for a revised project that takes into account these recommendations may then be scheduled.

### **4. APPEALS.**

The vast majority of design review cases are approved, or approved with minor conditions. When the Certificate of Appropriateness Committee denies a project proposal it may be appealed to the full Board of the Heritage Commission. Any person dissatisfied with a determination by the full Board of the Heritage Commission may file an appeal to the City Commission within 14 days of the date of notification of that determination. The City Commission must act on the request within 30 days of receipt of the appeal request.

A property owner may also apply, where necessary, for a certificate of economic hardship that, if approved, may provide relief where full compliance with the criteria would otherwise impose an undue financial hardship on a property owner. A Certificate of Economic Hardship application and assistance in completing the form are available at the Planning Department.

### **5. NATIONAL/STATE REGISTER PROPERTIES AND ENVIRONS**

The City of Salina has entered into a Certified Local Government (CLG) agreement with the State Historic Preservation Office (SHPO) that allows the Heritage Commission to perform the statutory responsibilities of the SHPO in design review of projects that directly or indirectly affect a local property listed on the National State or National Register.

The Heritage Commission must review all exterior and interior projects that affect character-defining features of a National/State Register property before a project may proceed. The character-defining features for a property

are identified in the National Register nomination form for the property. The Heritage Commission and administrative staff use the *Secretary of Interior's Standards for Rehabilitation and Guidelines to Rehabilitating Historic Properties* to determine if a project will encroach upon, damage or destroy the listed property.

The Kansas Historic Preservation Act, enacted in 1977, also requires the review of exterior projects within the *environs* of a listed historic property. The "environs" includes any property that is within 500 feet of the boundary of the State or National Register property. The *Standards and Guidelines for Evaluating the Effect of Projects on Environs, 1998* are used as the basis for this review. Copies of the *Secretary of Interior's Standards* and *Standards and Guidelines for Evaluating Projects on Environs* may be obtained from the City Planning Department.

Should the Heritage Commission determine that a proposed project will encroach upon, damage or destroy a listed historic property or its environs, notice of this determination will be provided to the SHPO. In administrative review, if an adverse finding is made, it must be referred to the Heritage Commission. Any determination by the Commission that a project will encroach upon, damage or destroy any historic property or its environs may be appealed to the Salina City Commission. In those instances where the decision of the City Commission is contrary to the findings of the Heritage Commission the project shall not proceed until the City Commission has made a determination that there is no feasible or prudent alternative to the proposal and that the proposal includes all possible planning to minimize harm to the listed historic property.

## **HERITAGE CONSERVATION DISTRICT PROPERTIES**

The City of Salina adopted a Heritage Conservation District Ordinance in 1997. The purpose of the Conservation District is to retain and enhance significant non-designated properties that contribute to the character of the City and to encourage their adaptation for reuse. New construction is not discouraged, provided primary emphasis is given to the preservation of existing resources. The Conservation District Ordinance provides a review process for *demolition* or *relocation* only. Alterations or additions are not reviewed under the ordinance.

When a demolition or relocation proposal is submitted for a Conservation District property, the Preservation Planner will schedule a review by the full Board of the Heritage Commission at a Regular or Special Meeting. *Criteria* used to evaluate the demolition or relocation proposal are contained in the ordinance. These criteria include, among others: (1) The architectural integrity of the resource; (2) The surrounding streetscape; (3) The base zoning of the area; (4) The development of a reuse plan or (5) The existence of willful neglect.

Under the ordinance, a request for demolition or relocation may be delayed for up to one year while efforts were made to find alternatives to demolition. Ultimately, the Heritage Commission can deny a request. A denial may be appealed to the City Commission in a process similar to Certificates of Appropriateness Applications. Exceptions may only be allowed for (1) Cases of economic hardship or (2) For hazardous structures. A copy of the Conservation District Ordinance and criteria for review are available at the City Planning Department.

### **FOR FURTHER HELP PLEASE CONTACT:**

#### **SALINA HISTORIC RESOURCES:**

Department of Planning & Community Development  
300 W. Ash Street, Room #201

Preservation Planner           785-309-5720

FAX                                 785-309-5713

Email                         john.burger@salina.org

#### **NATIONAL/STATE REGISTER:**

Kansas State Historic Preservation Office  
6425 S.W. 6th Avenue, Topeka, KS 66615  
785-272-8681     www.kshs.org